



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 30, 2023

Re: FOIA Request NLRB-2023-000926

Dear Rosemary Bowman Phillips (Six Star Janitorial):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on March 1, 2023, in which you seek “the outcome, charged party and charging party and the remedy,” as well as “the name of all legal representations and the year the [case] was closed” in *IBT, Local 631, AFL-CIO (Southern Nevada Foundation for Fair Contracting)*, Case No. 28-CB-005086. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on March 1, 2023.

Please be advised that pursuant to the Agency’s record retention and disposition policy, pre-NxGen records are typically retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested case, a search was made of the list of permanently retained cases maintained by the Agency’s Case Records Unit for cases that closed between 1982 and 2010, and it was confirmed that the requested case was not selected for permanent retention.

An additional search of the Agency’s current electronic casehandling system, NxGen, was conducted, which confirmed that the case was filed and closed in 1999, which predates our current system, but that due to the timing of the migration from the prior/legacy database, some data/records from the requested case existed and were located, as explained in more detail below.

Various electronic searches were conducted, which consisted of querying i) the Agency’s current electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present; ii) the Agency’s custom document search tool, Integrated Search, or iSearch; and iii) the Agency’s public website. As a result of these searches, the only remaining records, a case participant list and certain basic case information, were located and these two pages are attached.

These attached records contain such information as the case filing date, case closing date, the closing reason, and the allegation alleged in the case. Also note that the case closing reason is "Dismissal Non-adjusted," which means there was no NLRB order or settlement or private settlement between the parties, and therefore no remedies were received by the charging party when this case closed. Your request seeking legal representatives for either the charged or charging party is denied as there are no records for this portion of your request.

After a review of the attached two pages, I have determined that certain information in the records is exempt from disclosure and should be redacted under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records, including the charging party. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Fifteen minutes of professional time was expended in reviewing for release the requested material. Accordingly, please remit \$9.25.

Payment Instructions: We are no longer accepting checks or money orders as payment. To submit payment for your FOIA request, please use www.pay.gov. From the www.pay.gov home page, scroll down to the bottom left corner to select "Pay a FOIA Request." Click "See all options" and go to "Filter By Agency" to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (414) 930-7208 or by email at Jodilyn.Breirather@nlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

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Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (two pages)